

Customer No.: 07278

10/51880

26 JAN 2005

Docket No.: 04703/0202222-USO

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Naoyuki Yamamoto et al.

Serial No.: 10/518,801

For: ANTIALLERGIC AGENT, UTILIZATION THEREOF FOR  
REDUCING ALLERGY AND METHOD OF REDUCING ALLERGY  
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January 26, 2005

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Information Disclosure Statement is submitted in accordance with 37 C.F.R. 1.97, 1.98, and it is requested that the information set forth in this statement and in the listed documents be considered during the pendency of the above-identified application, and any other application relying on the filing date of the above-identified application or cross-referencing it as a related application.

1. This IDS should be considered, in accordance with 37 C.F.R. 1.97, as it is filed: (Check one of the boxes A-D)

- ☒ A. Within three months of the filing date of the above-identified national application or within three months of the entry into the national stage of the above-identified international application.
- ☐ B. before the mailing date of a first office action on the merits, or a first office action after filing a request for continued examination.
- ☐ C. after (A) and (B) above, but before final rejection or allowance, and Applicants have made the necessary statement in box "i" below or paid the necessary fee in box "ii" below.

(check one of the boxes "i" and "ii" below:)

- ☐ i. Counsel states that, upon information and belief, each item of information listed herein was either (a) cited in a communication

from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS; or (b) was not cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of undersigned after making reasonable inquiry, was not known to any individual designated in 1.56(c) more than three months prior to the filing of this IDS.

- ☐ ii. A check for the fee set forth in 1. 17(p), presently believed to be \$240, is enclosed.
- ☐ D. after (A), (B) and (C) above, but before payment of the issue fee: Applicant petitions under 37 C.F.R. 1.97(d) for the consideration of this IDS. Under 37 CFR 1.17(i) a check in the amount of \$130.00 is enclosed. Counsel certifies that, upon information and belief, each item of information listed herein was either (i) cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the IDS; or (ii) was not cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned after making reasonable inquiry, was not known to any individual designated in 1.56(c) more than three months prior to the filing of this IDS.

2. In accordance with 37 C.F.R. 1.98, this IDS includes a list (e.g., form PTO/SB/08) of all patents, publications, or other information submitted for consideration by the office, either incorporated into this IDS or as an attachment hereto. A copy of each document listed is attached, except as explained below.

(check boxes A, B and/or C and fill in blanks, if appropriate.)

- ☐ A. Pursuant to the Notice issued by the United States Patent and Trademark Office dated July 11, 2003 waiving the requirements of 37 C.F.R. § 1.98(a)(2)(i), a copy/copies of the United States Patent on PTO/SB08 is/are not being submitted.
- ☐ B. Document(s) \_\_\_\_\_ is (are) deemed substantially cumulative to document(s) \_\_\_\_\_, and, in accordance with 1.98(c), only a copy of each of the latter documents is enclosed.
- ☐ C. Certain documents were previously cited by or submitted to the Office in the following prior applications, which are relied upon under 35 U.S.C. 120:

[SERIAL NO. & FILING DATE].

Applicant identifies these documents by attaching hereto copies of the forms PTO-892, PTO-1449 and/or PTO/SB/08 from the files of the prior application(s) or a fresh PTO/SB/08 listing these documents, and request that they be considered and made of

record in accordance with 1.98(d). Per 37 CFR 1.98(d), copies of these documents need not be filed in this application.

[x] 3. Cite Nos. BA-BK, CA and CB are not in the English language. In accordance with 1.98(c), Applicant states:

[x] An English translation of each document (or of the pertinent portions thereof), or a copy of a corresponding English-language patent or application for cite no. BH, or English-language abstract (or claim) is enclosed.

[x] The requirement for a concise explanation of the relevance of any foreign language document is satisfied by the attached search report; citation of the documents cited in the search report shall not be construed as an admission that they are or are considered to be, material to patentability of the subject matter claimed herein (See MPEP §609).

[] A concise explanation of the relevance of document(s) \_\_\_\_\_ is set forth as follows: [Insert concise explanation of relevance]

[] A concise explanation of the relevance of document(s) \_\_\_\_\_ can be found on page(s) \_\_\_\_\_ of the specification.

[] A concise explanation of document(s) \_\_\_\_\_ can be found on the attached sheet.

[] 4. No explanation of relevance is necessary for documents in the English language (see reply to Comments 67 in the preamble to the final rules; 1135 OG 13 at 20).

[] 5. Other information being provided for the examiner's consideration follows:

An International Search Report, dated September 24, 2003, which issued during the prosecution of International Application No. PCT/JP03/08094 which corresponds to the present application, is enclosed.

6. In accordance with 37 C.F.R. 1.97(g) and (h), the filing of this IDS should not be construed as a representation that a search has been made or that information cited is, or is considered to be, material to patentability as defined in §1.56 (b), or that any cited document listed or attached is (or constitutes) prior art. Unless other-wise indicated, the date of publication indicated for an item is taken from the face of the item and Applicant reserves the right to prove that the date of publication is in fact different.

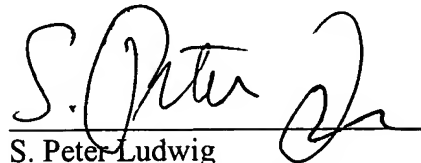
**CROSS REFERENCE UNDER 37 C.F.R. (1.78 TO RELATED APPLICATIONS**

Pursuant to 37 C.F.R. ( 1.78, Applicant notes that the above-identified patent application may be related to the following U.S. Patent Applications:

(1) U.S. Patent Application Serial No \_\_\_\_\_, filed \_\_\_\_\_.

Early and favorable consideration is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "S. Peter Ludwig", written over a horizontal line.

S. Peter Ludwig  
Registration No. 25,351  
Attorney for Applicant(s)

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Substitute for form 1449A/B/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(Use as many sheets as necessary)</i>				<b>Complete if Known</b>	
				Application Number	10/518,801
				Filing Date	December 16, 2004
				First Named Inventor	Naoyuki Yamamoto
				Art Unit	N/A
				Examiner Name	Not Yet Assigned
Sheet	1	of	1	Attorney Docket Number	04703/0202222-USO

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number-Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	AA	US-2003/0157079-A1	08-21-2003	Kato et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
	BA	WO-01/37865-A1	05-31-2001	Probioll Pty. Ltd.		
	BB	DE-202 02 562-U1	05-23-2002	Orthomol pharmazeutische Vertriebs GmbH		
	BC	WO-95/14485-A1	06-01-1995	Taketoshi Yamada		
	BD	JP-9-2959-A	01-07-1997	Yakult Honsha Co., Ltd.		
	BE	JP-2000-86524-A	03-28-2000	Iryohojin Shaden Seirankai		
	BF	JP-2000-239175-A	09-05-2000	Karupisu Kabushiki Kaisha		
	BG	WO-07/97822-A1	12-27-2001	Oy Abotech AB		
	BH	WO-02/16554-A1	02-08-2002	Wakamoto Pharmaceutical Co., Ltd.		✓
	BI	JP-2000-95697-A	04-04-2000	Kabushiki Kaisha Advance		
	BJ	JP-10-309178-A	11-24-1998	Wakamoto Pharmaceutical Co., Ltd.		
	BK	JP-10-114667-A	05-06-1998	Takeda Chemical Industries, Ltd.		

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	CA	Takashi Nakamura et al., "Lactobacillus acidophilus L92 Kabu no Keiko Toyo ga Mouse Kesseichu no Ranpaku Albumin Tokuiteki IgE Kotai Revel ni Oyobosu Eikyo", Japan Society of Bioscience, Biotechnology, and Agrochemistry Taikai Koen Yoshishu, 2003 March, Vol. 2003, page 75.	
	CB	Suguru Ishida et al., "Lactobacillus acidophilus L92 Kabu Hakkonyu no Sesshu ni yoru Kafunsho Shojo Kaizen Sayo no Kensho", Japan Society for Bioscience, Biotechnology and Agrochemistry Taikai Koen Yoshishu, 2003 March, Vol. 2003, page 75.	

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
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